

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re Application of DAVID A. GODFREY and
YUKOS FINANCE B.V. for an order to conduct
discovery for use in a foreign proceeding from Robert
Foresman.

Case No. _____

EX PARTE APPLICATION

Petitioners.
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Upon the annexed declaration of Martin A. Krolewski dated August 7, 2018 (“Krolewski Declaration”), the annexed declaration of Bernard O’Sullivan dated August 7, 2018, and all exhibits affixed thereto, and the accompanying memorandum of law, David A. Godfrey and Yukos Finance B.V. (“Yukos Finance”) (together, the “Petitioners”) hereby apply to this Court *ex parte* for an Order pursuant to 28 U.S.C. § 1782 (“Section 1782”) and Rules 30 and 45 of the Federal Rules of Civil Procedure, (i) granting Petitioners leave to serve Robert Foresman (“Respondent Foresman”) with the subpoena *ad testificandum* annexed to the Krolewski Declaration as Exhibit A; (ii) requiring Respondent Foresman to appear for a deposition and bring with him the requested documents within 30 days of receiving service of such subpoena *ad testificandum*; and (iii) for such other relief as the Court deems proper and just.

The requested relief is for purposes of obtaining limited, but critical, discovery in aid of and for use in *Yukos Finance B. V., David Godfrey, et al. v. Lynch, Foresman et al.*, CL-2015-000829, an action pending before the High Court of Justice, Queen's Bench Division, Commercial Court, in London, England (“Foreign Proceedings”). As set forth in the accompanying memorandum of law, Petitioners seek testimony from the Respondent Foresman and limited production of documents, who is a defendant in the Foreign Proceedings, concerning

his personal knowledge of and related to the rigging of an auction of the share of Yukos Finance, on August 15, 2007 that caused damages to the Petitioners and other claimants in the Foreign Proceedings.

Petitioners are parties to the Foreign Proceedings and thus “interested person[s]” pursuant to Section 1782. The Respondent also works, resides and is found within this District. Accordingly, the Petitioners meet all the statutory criteria for the issuance of an Order allowing the requested discovery pursuant to Section 1782. Moreover, as set forth in the memorandum of law filed concurrently herewith, all of the discretionary factors that this Court may consider likewise favor granting the Petitioners’ application.

Dated: New York, New York
August 7, 2018

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